

## Remarks

### In the Specification

The material incorporated by reference at page 10, starting at line 2 is not essential information. It merely refers a foreign publication which describes one of apparatus useful in connection with the invention. A detailed description of that apparatus appears in the specification at page 10, and shown in Figure 11, and modifications to that apparatus are further described in the specification and accompanying drawings. The specification has therefore now been amended to remove the incorporation by reference.

### In the Claims

Claims 1 to 49 have been canceled.

Claims 50 to 55 have been added. These added claims are similar to original claims 1 and 12 to 15 which were rejected in the parent application over the Schwartzkopf reference (some of the other claims of the parent case and a divisional case directed to apparatus have been allowed), but in each of which the word "single" has been inserted.

Schwartzkopf, a reference cited in the parent case and two other divisional applications, shows a *double* bag made up of two tapered bags which complement to form a rhombus or rectangle (column 1, lines 46 to 53). Even where the lateral edges are curved, as in Figures 7 and 8 of the reference, the *individual* bag of the double bag arrangement never has a concave surface and a convex surface, wherein the concave surface of the first lateral edge is substantially opposite the convex surface of the second lateral edge, and the convex surface of the first lateral edge is substantially opposite the concave surface of the second lateral edge. Instead, as shown in Figures 7 and 8, the individual pouch has a concave opposite concave format, and a convex opposite convex format.

Also, the individual pouch is always tapered. This means that the distance between the lateral edges, at any elevation of the pouch, will change. In contrast, claim 54 requires that the distance between the first and the second lateral edges is substantially the same for all elevations of the individual pouch.

Making an individual pouch according to Schwartzkopf would not achieve a central object of the invention: the manufacture of pouches without generating scrap between

subsequent pouches in a VFFS arrangement. This is why Schwartzkopf is forced to manufacture two connected pouches at a time.

Applicant thus solicits allowance of new claims 50 to 55.

Please charge the any additional fees which may be required to Deposit Account No. 07-1765.

Attached hereto is a marked-up version of the changes made to the specification and/or claims by this amendment. The attached page is captioned "Version with markings to show changes made".

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Date

[illegible]

- - A preferred apparatus 965 for use in connection with the present invention is shown schematically in Fig. 11 and described in, for example, published European Patent Application No. 98402857.1 (Publication No. EP 0 917 946) [ , which is hereby incorporated by reference in its entirety] . - -